

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

MICHAEL A. LEE,

Plaintiff,

v.

**Civil Action No. 5:19cv161
(Judge Stamp)**

CHRISTOPHER GOMEZ, Acting Warden,

Defendant.

ORDER DISMISSING CASE

On May 1, 2019, the *pro se* Plaintiff, Michael A. Lee, a federal inmate, filed a pleading which was docketed as a Bivens action. However, because the pleading was not filed on the court-approved form, the Clerk of Court issued a Notice of Deficient Pleading and Intent to Dismiss. The Notice informed the Plaintiff that the instant action would be dismissed within 30 days, and if wished to pursue his claims, he would be required to refile his complaint on the court-approved form which was sent to him with the Notice.

On May 15, 2019, the Plaintiff filed a Motion to Voluntarily Dismiss this matter. In support of his motion, the Plaintiff acknowledges that this matter was prematurely filed because he has not yet exhausted his administrative remedies.

For reasons appearing to the Court, the Plaintiff's Motion [ECF No. 4] is **GRANTED**, and this matter is **DISMISSED** without prejudice. The Court notes that this dismissal does not act as a strike under the Prisoner Litigation Reform Act.

The Clerk is **DIRECTED** to mail a copy of this Order to the Plaintiff by certified mail, return receipt requested, to his last known address as reflected on the docket sheet.

DATED: May 20, 2019

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE